

**AGENDA FOR THE
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TUESDAY, APRIL 9, 2002 AT 10:00 A.M.
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ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 9, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

2/25/2002
2/26/2002
3/04/2002 Adjourned
3/05/2002 Adjourned
3/11/2002 Adjourned
3/12/2002 Adjourned

SPECIAL ORDERS OF BUSINESS

ITEM-31: San Diego State University Men's Basketball Team Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1313)

Proclaiming April 9, 2002 to be "San Diego State University Men's Basketball Team Day" in the City of San Diego in recognition of the team's most recent accomplishment.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Harmonium Day.

COUNCILMEMBER MAIENSCHEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1057)

Proclaiming Tuesday, April 9, 2002 to be "Harmonium Day" in San Diego.

SUPPORTING INFORMATION:

The partnership between the City of San Diego and Harmonium has improved the quality of life of hundreds of thousands of San Diego residents since 1975. With innovation and excellence as guiding values and a belief that "prevention is the best intervention," Harmonium strengthens communities one family at a time. Harmonium's mission is to create strong families and communities. Harmonium partners with children, youth families and communities to build responsive services that lead to happy, successful lives. Harmonium has provided youth and family counseling services in the communities of Mira Mesa, Scripps Ranch, Rancho Penasquitos and Rancho Bernardo for over 25 years through funding from the City of San Diego. Harmonium is the largest provider of 6 to 6 programs for the City of San Diego, managing 64 sites from San Ysidro to City Heights to Scripps Ranch. Harmonium consistently provides over 6,000 children the highest quality tutoring, arts, and sports opportunities. In 1999, Harmonium, the community of Mira Mesa and the City of San Diego joined together to create the San Diego

Teen Center, which now serves over 52,000 customers a year and is a model for other teen centers across the nation. Since the City of San Diego gave Harmonium its start with a small grant to provide counseling, Harmonium has become a \$12 million agency with over 800 staff that partner with 15,000 families yearly in San Diego communities. Harmonium programs support families by focusing on their strengths rather than their weakness. Hereby proclaiming Tuesday, April 9, 2002, to be "Harmonium Day" in the City of San Diego in recognition of their many outstanding contributions and service to the City of San Diego.

Balolong-Burley

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

None.

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

Item 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113 and 114.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED, RESOLUTION TO BE ADOPTED:

* ITEM-50: Two actions related to Equipment and Vehicle Financing Program (EVP).

(See City Manager Report CMR-02-072.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2002-1280)

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive and competitive lease provider(s) and the most responsive and competitive backup lease provider(s) for 3 and 4 year lease terms for the purpose of financing and refinancing the acquisition of equipment through lease-purchase.

Subitem-B: (O-2002-117)

Introduction of an Ordinance authorizing the City Manager to execute a Master Lease Agreement with the most responsive and competitive lease provider and the most responsive and competitive backup lease provider for a 5-year lease term for the purpose of financing and refinancing the acquisition of equipment through lease-purchase;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive and competitive lease provider(s) and backup lease provider(s) for 6 and 7 year lease terms for the purpose of financing the acquisition of equipment through lease-purchase.

NOTE: 6 votes required for Subitem B pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Two actions related to Inviting Bids and Awarding of Contract for Cottontail Lane Sewer Main Replacement.

(See Frank Belock Jr.'s 2/6/2002 memo. La Jolla Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1202)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Cottontail Lane Sewer Main Replacement on Work Order No. 175991;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,091,285.20 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency Construction, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02093C)

Subitem-B: (R-2002-1203)

Certifying that Mitigated Negative Declaration LDR-41-0507 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines (California Code of Regulation Section 15000 et seq.), and that the information contained in the report has been reviewed and considered by Council;

Approving Mitigated Negative Declaration LDR-41-0507;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Cottontail Lane Sewer Replacement is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is in the La Jolla community area and consists of replacement and rehabilitation of approximately 3,194 feet (0.61 miles) of 8-inch sewer main and abandonment of 940 feet (0.17 miles) of 6-inch sewer main in easements on private properties. Also, this project includes the construction of several private sewer lateral replumbs, 4 pedestrian ramps and slurry sealing of the impacted streets. It was necessary for consultant services to be utilized for the investigation and design of the several private sewer lateral replumbs which resulted in design costs to be slightly greater than normal.

The streets affected by construction operation within this project are: La Jolla Mesa Drive, Germaine Lane and Cottontail Lane and Deer Hill Court. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

During design, Project Manager and Project Engineer attended one community meeting and arranged two on site meetings with property owners. Project Manager, Project Engineer, Resident Engineer and Contractor will attend one final community meeting.

The contractor will be required to provide Traffic Control Plans for the entire project area to the City of San Diego's Traffic Signal & Traffic Control Section for approval.

FISCAL IMPACT:

The total estimated cost of this project is \$1,091,285.20. This project will be funded during FY2003 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency Construction for this purpose.

Loveland/Belock/HR

WWF-02-575.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Awarding Plastic Service Replacement Group 519.

(See Frank Belock Jr.'s 2/6/2002 memo. Rancho Peñasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills Community Areas. Districts-1, 4, 5, 6 and 7.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1201)

Authorizing the City Manager to award and execute a phase-funded contract with S.J.H. Communications, Inc., dba Sim J. Harris Communications, for the construction of the Project, in an amount not to exceed \$2,188,587.55;

Authorizing the expenditure of funds on Phase 1 of the Project in an amount not to exceed \$1,368,205.60 from Water Fund 41500, CIP-73-083.0;

Authorizing the additional expenditure of an amount not to exceed \$213,049.55 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for construction of the Project and related costs, provided that City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditures under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01026CA)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Water Group 519 (Water Services) proposes the replacement of sub-standard plastic water services in the following communities: Rancho Peñasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills.

These water services have experienced re-occurring leaks and need to be replaced from the water main to the meter boxes with copper piping.

The project was advertised on September 29, 2000, and the bid opening was conducted on October 25, 2000. Orion Construction Corporation's bid was rejected because of its failure to meet the Equal Opportunity Subcontracting Contracting Outreach Program requirements as

specified in the contract documents. In addition, bids were higher than the Engineer's estimate.

Additional funding for the project was authorized by Council on October 8, 2001. The project was readvertised with a bid opening date of November 8, 2001. Nine packages were requested and seven bid packages received. Sim J. Harris Communications was the lowest responsible bidder, with a bid which was 9.05% higher than the authorized project budget. Therefore, Council approval of \$213,049.55 in additional funding is requested.

FISCAL IMPACT:

This action brings the total cost to \$2,750,444.55 of which \$2,537,395 was previously authorized on October 8, 2001, by Resolution R-295540. (A previous Resolution R-293971 approved \$1,863,859 and Resolution R-295540 approved an additional \$673,536). The additional amount of \$213,049.55 requested with this action is available from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. This project will be phase funded.

Loveland/Belock/HR

Aud. Cert. 2200913.

WWF-02-574.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-102: Two actions related to Water and Sewer Group Job 530A - Contract Change Order No. 1.

(See Frank Belock Jr.'s 2/6/2002 memo. Old San Diego Community Area.
District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1225)

Approving Change Order No. 1, dated October 25, 2001, issued in connection with the contract between the City of San Diego and Southern California Underground Contractors, Inc., amounting to a net increase in the contract price of an amount not to exceed \$131,695.06;

Authorizing the City Auditor and Comptroller to reallocate an amount not to

exceed \$87,865.44 from City Forces Work (4226) to Contingency (4905), within CIP-73-847.1;

Authorizing the additional expenditure of an amount not to exceed \$31,342 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and an amount not to exceed \$23,447 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for engineering and related costs.

Subitem-B: (R-2002-1226)

Declaring that the information contained in Mitigated Negative Declaration LDR-94-0663, certified by Resolution R-290050, adopted on May 4, 1998, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Water and Sewer Group 530A, Change Order No. 1;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1999, the City Manager approved awarding the low base bid of \$1,141,758 to Southern California Underground for the construction of Water and Sewer Group Job 530A. This project is in the Old San Diego area and consists of replacing approximately 3,250 linear feet of cast iron water main and approximately 496 feet of concrete sewer mains. Contract Change Order No. 1 is required due to the following items: 1) The contractor encountered several unmarked utilities which required additional time, work, and materials to avoid conflict with the new water main. 2) An additional 70 feet of new 16-inch water main had to be constructed to connect the new water main to the existing valve which was 70 feet further than indicated on as-built drawings. This activity was performed on a time and material basis due to a very complicated nature of the work involving unstable soil conditions and conflicting existing utilities. 3) The contractor encountered a significant archaeological discovery consisting of some historical tiles which were believed to belong to an old native American house during construction on Taylor Street which required additional work by the archaeologist to expose, recover, and document all the findings within the trench area.

The requested funds for the construction engineering portion are due to the extension of the contract which also added costs for conducting additional meetings and coordination efforts

between additional City staff, the contractor, the manufacturer, the design consultant, and the archaeologist to resolve all the issues mentioned above.

FISCAL IMPACT:

The total cost of this project is \$1,547,370 of which \$1,492,581 was previously authorized by City Council Resolutions R-291757 and R-292772. The additional request of \$54,789 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements, in the amount of \$23,447 and Water Fund 41500, CIP-78-038.0, Annual Allocation - Water Main Replacements in the amount of \$31,342.

Loveland/Belock/HR

Aud. Cert. 2200908.

WWF-02-567.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Storm Drain Construction Reimbursement for City Heights Village.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1309)

Authorizing the City Manager to reimburse CityLink Investment Corporation, Inc. \$75,000 as reimbursement for construction of a storm drain system related to the City Heights Village project;

Authorizing the City Auditor and Comptroller to expend \$75,000 from CIP-58-001.0, New Developments, TransNet (Fund 30300).

CITY MANAGER SUPPORTING INFORMATION:

The Redevelopment Agency entered into a Disposition and Development Agreement (DDA) to complete the retail phase of the City Heights Village project in the Mid-City (City Heights) community on December 8, 1998. On June 27, 2000 the Agency, by Resolution R-03177, authorized the Second Implementation Agreement to the DDA which, among other things, directed the City Manager to bring back an action for Council to commit \$75,000 in Annual Allocation for New Development towards the storm drain improvements for this project. This action, if approved, would authorize the City Manager to pay a total sum of \$75,000 to

CityLink Investment Corp., Inc. for construction of a storm drain system in Highland Avenue and Wightman Street. Although a portion of the City Heights Village project is draining into this new underground drainage system, this facility will enhance the overall drainage conditions of this community and provides city-wide benefit. Staff recommends approval of this action.

FISCAL IMPACT:

\$75,000 from CIP-58-001.0, Annual Allocation for New Development.

Ewell/Haase/GB

Aud. Cert. 2200944.

W.O. 990830.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-104: Grant Application to Purchase MSCP Land in the East Elliott Community Planning Area.

(East Elliott Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1325)

Authorizing the application for and expenditure of State Grant funds to acquire property in the East Elliot Community Planning Area.

CITY MANAGER SUPPORTING INFORMATION:

The State of California enacted AB 471, which provides \$10 million annually for grant funds to local agencies for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities. This action authorizes the application for grant funds from the State of California's Environmental Enhancement and Mitigation Program for acquisition of resource lands in the East Elliott Community Planning Area. The acquisition will mitigate for construction on the nearby State Route 125, and will add approximately 20 acres of privately owned resource land to the City's MSCP Open Space Park lands.

The City Council has identified acquisition in the East Elliott Community Planning Area as a high priority. The project is supported by the Mission Trails Regional Park Citizen's Advisory Committee.

FISCAL IMPACT:

If the grant is received, a future Council action will identify \$250,000 MSCP acquisition funds to match the State grant funds, and will include establishment of a Capital Improvement Project to acquire the East Elliott Community Planning Area property.

Herring/CAW

ADOPTION AGENDA, CONSENT ITEMS**RESOLUTIONS:**

- * ITEM-105: Two actions related to Solid Waste Local Enforcement Agency (LEA) Applications for Two LEA Grants.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1246)

Authorizing application for and acceptance of grant funds from the California Integrated Waste Management Board, for the purpose of retaining consulting services, purchasing computer, office and technical equipment, and for additional training of LEA staff to carry out the duties and responsibilities of solid waste inspection, permitting and enforcement; and authorizing the City Manager to negotiate and execute all necessary documents in connection with the Grant (EA-12).

Subitem-B: (R-2002-1247)

Authorizing application for and acceptance of grant funds from the California Integrated Waste Management Board, for the purpose of supplementing administrative staff costs and for technical support services in order for the LEA staff to carry out the duties and responsibilities of solid waste inspection, permitting and enforcement; and authorizing the City Manager to negotiate and execute all necessary documents in connection with the Grant (EA-13).

CITY MANAGER SUPPORTING INFORMATION:

The California Integrated Waste Management Board (CIWMB) is accepting applications for their Local Enforcement Agency (LEA) Grant program. Funds totaling \$1.5 million are to be disbursed from the CIWMB to certified LEAs. Pursuant to Public Resources Code Section 43230, these grant awards are to be used solely for support of LEAs' Solid Waste Facilities Permit and Inspection Programs. The City of San Diego Solid Waste LEA was certified in August 1999, by the CIWMB, to carry out the duties and responsibilities associated with permitting, inspections, and enforcement at solid waste sites.

The City of San Diego Solid Waste LEA proposes to request grant funds to retain consulting services, purchase computer, office and technical equipment, and fund additional training for LEA staff to carry out their regulatory mandates. The City of San Diego Solid Waste LEA is eligible for approximately two \$24,500 during this grant cycle.

FISCAL IMPACT:

If awarded, the City would receive approximately \$49,000.

Ewell/Christiansen/PM

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Local Forensic Laboratory Improvement Program from California OCJP.

(See Report from the Governor's Office of Criminal Justice Planning dated September 18, 2001.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1235)

Authorizing the Chief of Police to accept and expend funding for the Local Forensic Laboratory Improvement Program in accordance with the Project proposal;

Declaring that the authorization includes all aspects of grant and program application, acceptance, operation, contracts, expenditures, certifications of compliance with all applicable statutory or regulatory requirements related to the program for a period of five years, provided funding is made available by the State of California;

Declaring that any liability arising out of the performance of the Grant Award Agreement and/or program, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability;

Declaring that funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body, and that personnel positions funded hereunder, if any, are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

This grant from the California Office of Criminal Justice Planning will provide much needed funds for construction of additional Crime Lab space, and remodeling of existing space, to alleviate severe overcrowding; and the purchase of upgraded equipment which will allow our accredited lab to provide the highest level of service to the community and law enforcement. Due to the high costs of real estate in the City of San Diego, the most cost-effective means of expanding the Crime Laboratory is to add space to existing Police Department property. OCJP has approved the use of these grant funds to add a second floor to the Department's Central area station. Other police units will then be moved from Police Headquarters into the newly constructed second floor at Central, allowing the Crime Laboratory to expand into an additional 3,100 square feet at Headquarters. This will provide a 12% increase in work space. Grant funds will provide upgraded and expanded Crime Lab workstations which allow sufficient room for staff members to operate safely and efficiently. In addition, the replacement of outdated and unreliable instrumentation, and the purchase of new equipment with improved technology, will allow the laboratory to perform casework at an enhanced level of service.

SDPD is working closely with the Police Department's Facilities Management and Development (FM&D) unit, which will oversee the work of contractor(s) which will do the actual building and remodeling.

FISCAL IMPACT:

This grant will provide \$2,968,928. The grant requires no matching funds, and there is no requirement to continue grant funded services or activities after grant funds are expended. All grant-related expenses will be paid by grant funds. The annual operating budget effect is approximately \$80,000. These funds will be available from within the Police Department's existing budget.

Uberuaga/Bejarano/MG

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-107: Celebrating the Cultural Partnership between the Timken Museum of Art and the Groeningemuseum.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1322)

Celebrating the cultural partnership between the Timken Museum of Art and the Groeningemuseum, and congratulating the City Council of Bruges on the occasion of being named Europe's Cultural Capital for 2002.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Settlement of the Property Damage Claim of Scott Weaver.

(See Cathy Lexin's 3/5/2002 memo.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1249)

A Resolution approved by the City Council in Closed Session on Tuesday, March 19, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Scott Weaver (Superior Court Case No. GIC 762590, Scott Weaver v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$50,000 made payable to Scott Weaver and his attorney, Robert P. Ottilie, in full settlement of the lawsuit and all claims.

Declaring that the funds are to be payable from Fund 41506.

CITY MANAGER'S SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of Scott Weaver, against the City of San Diego, its agents and employees, as a result of the incident which occurred on January 31, 2000.

Lexin/Lopez/JE

Aud. Cert. 2200918.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Five actions related to Quince Street Burn Site Removal Action Project.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1291)

Authorizing the City Manager to execute an Agreement for Removal Action with the U.S. Environmental Protection Agency, to implement the Quince Street Burn Site Removal Action Plan;

Authorizing the expenditure of an amount not to exceed \$1,300,000 from Refuse Disposal Enterprise Fund No. 30244, CIP-32-010.0, Annual Allocation - Unclassified Disposal Sites.

Subitem-B: (R-2002-1292)

Authorizing the City Manager to execute a Third Amendment to the Consultant Agreement with URS Corporation, originally executed on May 15, 2000, for continuing engineering services in connection with the Quince Street Burn Site;

Authorizing the expenditure of an amount not to exceed \$60,000 from Refuse Disposal Enterprise Fund No. 30244, CIP-32-010.0, Annual Allocation - Unclassified Disposal Sites.

Subitem-C: (R-2002-1293)

Authorizing and directing the City Auditor and Comptroller to amend the Capital Improvement Program budget to increase Fund No. 41201, CIP-32-010.0, Annual Allocation - Unclassified Disposal Sites, in the amount of \$648,285 in accordance with the Fiscal Year 2002 Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to transfer the amount of \$1,000,000 within Fund No. 30244, from CIP-37-254.0, Future Landfill and Transfer Facility, to CIP-32-010.0, Annual Allocation - Unclassified Disposal Sites, and to transfer the amount of \$291,715 within Fund No. 30244, from CIP-32-017.0, Annual Allocation - Groundwater Monitoring Network, to CIP-32-010.0, Annual Allocation - Unclassified Disposal Sites.

Subitem-D: (R-2002-1294)

Authorizing the City Manager to negotiate and execute agreements for the acquisition for property rights and for compensation for loss of use of property in connection with the Quince Street Burn Site;

Authorizing the expenditure of an amount not to exceed \$1,500,000 from Refuse Disposal Enterprise Fund No. 30244, CIP-32-010.4, for the purchase of property

rights and related costs;

Authorizing the expenditure of an amount not to exceed \$350,000 from Refuse Disposal Enterprise Fund No. 30244, CIP-32-010.4, to provide compensation for loss of use of property;

Authorizing the expenditure of an amount not to exceed \$120,000 from Refuse Disposal Enterprise Fund No. 30244, CIP-32-010.0, for the temporary relocation of residents directly impacted by the removal action;

Authorizing the resale of properties purchased in connection with the Quince Street Burn Site by the Real Estate Assets Department, when directed by the Environmental Services Department;

Directing that the proceeds from the resale of properties be deposited in the Refuse Disposal Enterprise Fund No. 41200.

Subitem-E: (R-2002-1295)

Certifying that Mitigated Negative Declaration LDR-41-0611 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines (California Code of Regulations Section 15000 et seq.); and that the information contained in the Mitigated Negative Declaration has been reviewed and considered by Council;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

The Quince Street Burn Site is located in a residential neighborhood within City Heights. Historical records indicate the site operated as a burn dump between 1928 and 1939. All types of materials were disposed and the refuse was burned regularly.

Results of an extensive site investigation confirmed the presence of burn ash and/or contaminants at hazardous waste levels on 13 residential properties on 38th and 39th Streets, both north and south of Quince Street. A human health screening evaluation was also conducted and concluded that there is currently an unacceptable risk to human health if clean up is not performed. To remove the risk, a draft Removal Action Work plan (RAW) proposes to remove the top three feet of soil, within the unpaved areas, and replace it with certified clean soils, graded to previous conditions and then landscaped. After completion of the RAW, land use restrictions would be recorded to prevent future inappropriate uses. On March 18, 2002, City Council approved entering into a Voluntary Cleanup Program with the Department of Toxic Substances Control for

regulatory oversight of the Quince Street Project.

In 2000, US EPA performed the cleanup of the Redwood Street Burn site located one block north of the Quince Street Burn Site. US EPA took on the responsibility for the cleanup of the Redwood Street Site due to the presence of hazardous levels of radiation and the inability to find the responsible parties for that site. US EPA was, and continues to be, instrumental in providing quick response, technical expertise, responsiveness to the community, cost efficiency and sound judgement in performing the removal of hazardous waste.

This action will provide for entering into an Agreement with US EPA, and approving an Amendment to the Agreement with URS Corporation to continue consultant services for assistance during the implementation of the RAW, and preparing the Final Completion Report. This action also provides for the potential acquisition and re-sale of properties, compensation for diminution in value to the properties, temporary relocation of the occupants of the impacted properties, and for the loss of use of the property to the property owners.

FISCAL IMPACT:

On June 19, 2001, the California Waste Management Board awarded the City of San Diego a \$750,000 matching grant for the Redwood Street Burn Site. To date, \$648,285 has been received and deposited in a Refuse Disposal Enterprise Fund (RDEF) operating account.

This action will result in an increase of \$648,285 to the Fiscal Year 2002 CIP Program Budget Fund 41201. Funds in the amount of \$3,330,000 are available in the Refuse Disposal Enterprise Fund 41201, CIP-32-010.0 for this project.

Loveland/Hays/SMC

Aud. Certs. 2200976/977.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1149)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-111: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-903)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-112: Results of March 5, 2002 Municipal Primary and Special Election.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-)

Declaring the results of the Municipal Primary Election and the Special Municipal Election held in the City of San Diego on March 5, 2002.

SUPPORTING INFORMATION:

A Municipal Primary and Special Election was held March 5, 2002, for the purpose of submitting candidates for the office of Councilmember for Districts Two (2), Four (4), Six (6) and Eight (8) to the voters of each of those Council Districts; and for the purpose of submitting six ballot measures to the voters of the City of San Diego. The results of this election have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Abdelnour/Lane/BS

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-113: Establish a CIP for the Construction of an African American History Museum and Establish a Fund for Contributions.

(District-4.)

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1284)

Authorizing the addition of CIP-37-014.0, African American History Museum, to the Fiscal Year 2002, Capital Improvement Program;

Authorizing the City Auditor and Comptroller to establish the African American History Museum Fund 63069 for accepting donations for the construction of a new African American History Museum in the Fourth Council District. Any monies deposited to the fund are appropriated for and may be expended for expenditures related to the African American History Museum, CIP-37-014.0. Interest earnings generated from the deposit of monies to Fund 63069 shall be deposited to the fund.

CITY MANAGER SUPPORTING INFORMATION:

The African American Museum of Fine Arts will be located in the heart of the Fourth Council District, on the property east next to the existing Malcolm X Library and Performing Arts Center at 5148 Market Street. The museum will be architecturally connected to the library so that existing facilities within the library can be easily accessed and used by the public.

MISSION: The museum will educate the residents, visitors and tourists about the arts and culture of African Americans from an historical and contemporary perspective. The museum will celebrate African American life by producing innovative exhibitions and interpretive programs through extensive outreach to African American artists, lecturers, writers and performers. This will enable visitors from all cultures to learn and appreciate the historical and artistic contributions of the African American culture.

GOALS: The institution will be a platform that encompasses all visual art forms that not only stimulate, but also educate the public. Programming will be the core of the AAMFA, providing a corporate partnership with the San Diego City schools, exposing thousands of youth to the historic, educational and public awareness of the arts. School exhibition tours will be continually conducted. The museum will have collaborative partnerships with other organizations in San Diego and throughout the country, and will also provide a venue to showcase local, regional, national and international artistic talents of all cultures.

Due to its location, it will be accessible to all and add to the cultural energy that exists in the

current setting at Market Street and Euclid Avenue.

Lacey/JB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-114: FY2003 State Park Funding Process.

(See City Manager Report CMR-02-075.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1320)

Approving the List of Park Improvement Projects;

Authorizing the City Manager to submit the List to the City's State Legislature lobbyist in Sacramento;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents which may be necessary to complete the Projects;

Authorizing the City Manager to accept grant funds for the Projects;

Authorizing the City Auditor and Comptroller to appropriate and expend funds for each Project if grant funds are secured;

Authorizing the City Auditor and Comptroller to establish separate interest bearing accounts for each Project grant that is secured.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

(See City Manager Report CMR-02-080.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1288)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

NOTE: This item will not be taken at today's meeting. It was returned to the City Manager at the meeting of March 18, 2002.

ITEM-201: Two actions related to Time Warner Cable and Cox Cable Franchise Agreements.

(See City Manager Report CMR-02-053.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2002-114 Cor. Copy)

Amending Section 16(e) of Ordinance O-15213 (Cable Franchise granted to American Television and Communications Corporation) to read as follows:

- (e) Subject to California Public Utility Commission's (CPUC) for obtaining the approval of the City's entire undergrounding surcharge proposal, City's undergrounding program will assume responsibility for that portion of the joint trench costs related to extra depth trenching and the installation of conduit and substructures, with the balance of any undergrounding costs associated with Grantee's facilities to be paid by Grantee, without any passthrough of those costs to Grantee's subscribers.

Amending Section 19 of Ordinance O-15213 to read as follows:

Grantee shall, at its sole expense, protect, support, temporarily disconnect,

relocate in the same street, alley, or public place, or removal from any street, alley or public place, any Franchise Property when required by the City Manager provided, however, that Grantee shall have the privilege and be subject to the obligation to abandon Franchise Property in place as provided in Section 18; and provided further that Grantee shall have the benefit of any local, state or federal law or regulations providing for reimbursement of or contribution toward Grantee's expense necessitated by such improvements.

Amending Section 21(c) of Ordinance O-15213 to read as follows:

- (c) Payments made to the City by Grantee pursuant to this section for any calendar year shall be as a rental for use of the public right of way. Any Grantor imposed fees for right of way usage [Right of Way Fee] shall be credited with consideration paid herein. Subject to the provisions of section 16(e), any revenues which remain after this credit of Right of Way Fees will be credited toward any additional fees Grantor imposes for inspection, trenching, cutting or deterioration of the right of way.

Declaring that this ordinance shall take effect and be in force as of the effective date of the CPUC approval of the Advice Letter implementing an undergrounding surcharge as approved by the City Council.

Subitem-B: (O-2002-115 Cor. Copy)

Amending Section 16(e) of Ordinance O-12543 (Cable Franchise granted to Mission Cable TV, Inc.) to read as follows:

- (e) Subject to California Public Utility Commission's (CPUC) for obtaining the approval of the City's entire undergrounding surcharge proposal, City's undergrounding program will assume responsibility for that portion of the joint trench costs related to extra depth trenching and the installation of conduit and substructures, with the balance of any undergrounding costs associated with Grantee's facilities to be paid by Grantee, without any passthrough of those costs to Grantee's subscribers.

Amending Section 19 of Ordinance O-12543 to read as follows:

Grantee shall, at its sole expense, protect, support, temporarily disconnect, relocate in the same street, alley, or public place, or removal from any street, alley or public place, any Franchise Property when required by the City Manager provided, however, that Grantee shall have the privilege and be subject to the obligation to abandon Franchise Property in place as provided in Section 18; and provided further that Grantee shall have the benefit of any local, state or federal law or regulations providing for reimbursement of or contribution toward Grantee's expense necessitated by such improvements.

Amending Section 21(c) of Ordinance O-12543 to read as follows:

- (c) Payments made to the City by Grantee pursuant to this section for any calendar year shall be as a rental for use of the public right of way. Any Grantor imposed fees for right of way usage [Right of Way Fee] shall be credited with consideration paid herein. Subject to the provisions of section 16(e), any revenues which remain after this credit of Right of Way Fees will be credited toward any additional fees Grantor imposes for inspection, trenching, cutting or deterioration of the right of way.

Declaring that this ordinance shall take effect and be in force as of the effective date of the CPUC approval of the Advice Letter implementing an undergrounding surcharge as approved by the City Council.

NOTE: 6 votes required for Subitems A and B pursuant to Section 103 of the City Charter.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-202: Family Justice Center.

(See City Attorney Report No. RC-2002-3.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1338)

Authorizing and directing the City Manager to: a) accept a grant from the California Endowment in the amount of \$500,000 for the partial funding of the Family Justice Center; b) execute a lease amendment with 707 Broadway LLC for the purpose of housing the Family Justice Center; and c) authorizing the transfer and expenditure of certain funds to pay expenses for the first year of operation of the Family Justice Center.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-203: Approving Parcel Map TM-99-1076.

(Peninsula Community Area. District-2.)

(Continued from the meetings of January 8, 2002, Item 103, and of February 25, 2002, Item 200; last continued at the City Manager's request, due to needing signatures on the Coastal Development Permit.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-807 Cor. Copy)

Approving Parcel Map TM-99-1076; authorizing the City Clerk to sign the map on behalf of the City as property owner.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a six-parcel lot line adjustment map of a 191.536 acre portion of the Liberty Station (Naval Training Center) site. This action is consistent with the previously approved Liberty Station project. The purpose of the map is to divide the land in such a way as to make subsequent mapping more expeditious. The site is located southeasterly of Rosecrans Street and Lytton Street in the Peninsula Community Plan area. This land will be re-subdivided as necessary to support the ultimate design of the NTC redevelopment project. This map requires City Council approval because the land is City owned.

FISCAL IMPACT:

None.

Loveland/Haase/GRB

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Fairbanks Summit II.

Matter of approving, conditionally approving, modifying or denying a rezone of the 10.4 acre site from AR-1-1 (Agricultural) to RS-1-11 (formerly R-1-10,000, Residential), a tentative map to subdivide the 10.4 acre site into nineteen lots; one for open space, one for an affordable housing site for ten units, and 17 for single family development by means of a Planned Development/Site Development Permit with Design Guidelines to allow the future construction of the single family and affordable dwelling units, site landscaping and other amenities. A previously approved vehicular access across City owned open space to the affordable housing site is proposed in a revised location within the property. The project site is located at Parcel H within the Black Mountain Ranch Subarea 1 Planning area.

(See City Manager's Report CMR-02-067. RZ/TM/PDP/SDP-41-0480. Black Mountain Ranch, Subarea 1 Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; adopt the resolution in subitem B; adopt the resolution in subitem C to grant the map; and adopt the resolution in subitem D to grant the permit:

Subitem-A: (O-2002-118)

Introduction of an Ordinance changing 10.4 acres, located at the east end of Rancho Santa Fe Farms Drive at Via Abertura, southeast of Via de la Valle, north of Black Mountain Road and directly west of Black Mountain Ranch, in the Black Mountain Ranch Subarea I Plan Area, in the City of San Diego, California, from the AR-1-1 Zone to the RS-1-11 Zone, as defined by San Diego Municipal Code section 131.0403; and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2002-1286)

Adoption of a Resolution certifying that Addendum to an Environmental Impact Report [EIR], LDR No. 41-0480 (Addendum to EIR No. 96-7902, SCH No. 97111070), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Fairbanks Summit II development;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the projects as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2002-)

Adoption of a Resolution granting or denying Tentative Map TM-41-0480, with appropriate findings to support Council action.

Subitem-D: (R-2002-)

Adoption of a Resolution granting or denying Planned Development/Site Development Permit No. 41-0480, with an approved access easement across City owned open space in a revised location, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on February 21, 2002, voted 6 - 0 to approve; no opposition.

Ayes: Garcia, Stryker, Anderson, Brown, Butler, Lettieri

Not present: Schultz

The Rancho Penasquitos Planning Board has recommended approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The project site is located at the east end of Rancho Santa Fe Farms Drive at Via Abertura, southeast of Via de la Valle, north of Black Mountain Road and directly west of Black Mountain Ranch in the Black Mountain Ranch Subarea 1 Community Plan Area.

The Fairbanks Summit II project proposes to construct 17 single-family dwellings and 10 affordable housing units, for a total of 27 dwelling units. The project also includes one homeowners association maintained open space lot (Lot 18) west of the SDG&E easement. The proposed project requires the approval of a rezone to change the current zone from AR-1-1 (Agricultural) to RS-1-11 (Residential), a tentative map to create nineteen lots, a planned development/site development permit for the proposed development and an easement across City-owned open space for access to the affordable housing site. Access to the Fairbanks Summit II project site would be provided from Camino de la Luna through the gated access for the Fairbanks Summit I development to the north. The proposed project includes a system of private driveways and a non-contiguous sidewalk system providing pedestrian and bicycle circulation through the neighborhood. The gated entrance, approved with Fairbanks Summit I, and private driveways are consistent with the City of San Diego's Street Design Manual. Residents of the Fairbanks Summit II would have access to a 4.56-acre homeowner's association maintained area with a par course and running trails in lot thirty-six of Fairbanks Summit I.

FISCAL IMPACT: None.

Ewell/Christiansen/JSF

LEGAL DESCRIPTION:

The Fairbanks Summit II project site is located along the southwest boundary of Black Mountain Ranch, west of the South Village within Black Mountain Ranch, east of Fairbanks Ranch, and west of the future extension of Camino Ruiz within the Black Mountain Ranch Subarea I Planning Area and is more particularly described as Parcel 2 of Parcel Map No. 7242.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Point Carmel.

Matter of approving, conditionally approving, modifying or denying a Carmel Valley Community Plan Amendment/Carmel Valley Neighborhoods 4A and 7 Precise Plans Amendments/Tentative Map/Carmel Valley Planned District Amendment and Rezone/Resource Protection Ordinance Permit/Carmel Valley Planned District Development Permit to construct 85 detached, single family residences on a 31.9 acre site located east of Dunham Way, north of Del Mar Heights Road, south of Lansdale Drive and west of Winstanley Way.

(CVCP/PPA/TM/PDO/RZ/RPO/PDD Permit-99-0606. Carmel Valley Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in subitems A and B; adopt the resolutions in subitems C and F; adopt the resolution in subitem D to grant the map; and adopt the resolution in subitem E to grant the permits:

Subitem-A: (O-2002-119)

Introduction of an Ordinance changing 31.9 acres, located two miles east of Interstate 5, east of Dunham Way, north of Del Mar Heights Road, south of Lansdale Drive and west of Winstanley Way, in the Carmel Valley Neighborhoods 4A and 7 Precise Plans, in the City of San Diego, California, from the AR-1-1, SF3 and Open Space zones (previously referred to as the A-1-10, SF3, and Open Space zones) to the SF1-A and Open Space zones, as defined by San Diego Municipal Code [SDMC] section 103.0608 and section 131.0222 (previously found in SDMC section 101.0405); and repealing Ordinance No. O-18478 (New Series), adopted April 7, 1998; and Ordinance No. O-18451 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (O-2002-120)

Introduction of an Ordinance amending Chapter 10, Article 3, Division 6, of the San Diego Municipal Code by amending Section 103.0602 relating to the Carmel Valley Planned District Regulations, area of applicability.

Subitem-C: (R-2002-1318)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report, LDR No. 99-0606 has been completed in

compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Point Carmel project;

That pursuant to California Public Resources Code Section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, with respect to the project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-D: (R-2002-)

Adoption of a Resolution granting or denying Tentative Map, TM-99-0606, with appropriate findings to support Council action.

Subitem-E: (R-2002-)

Adoption of a Resolution granting or denying Planned District Development Permit and Resource Protection Ordinance Permit No. 99-0606, with appropriate findings to support Council action.

Subitem-F: (R-2002-1319)

Adoption of a Resolution amending the Carmel Valley Community Plan, the Carmel Valley Neighborhood 4A and 7 Precise Plans to become effective upon City Council adoption of the General Plan Amendment;

That the City Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans.

OTHER RECOMMENDATIONS:

Planning Commission on December 20, 2001, voted 7 - 0 to approve staff's

recommendations and recommend certification of EIR LDR No. 99-0606, adoption of the MMRP and the Findings and Statement of Overriding Considerations, and approval of amendments to the Carmel Valley Community Plan, Neighborhoods 4A and 7 Precise Plans and the associated Rezone to the Carmel Valley PDO; and approval of the proposed Carmel Point Project which includes a TM, Carmel Valley PDDP and RPO Permit No. 99-0606 to construct 85 detached, single family homes; no opposition.

Ayes: Anderson, Lettieri, Schultz, Brown, Butler, Garcia, and Stryker

The Carmel Valley Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

Point Carmel proposes to subdivide a 31.9 acre site to allow the development of eighty-five single family lots with eight open space lots, public roads and an open space trail in the Carmel Valley Community Plan area by means of an Amendment to the Carmel Valley Community Plan, Carmel Valley Neighborhood 4A and 7 Precise Plans, a Rezone from A-1-10, Open Space (OS) and Hillside Overlay Zone (on the areas of steep slopes), to residential (SF1-A) and open space (OS) zone.

The proposed Point Carmel Project is estimated to generate approximately 880 average daily trips (ADT). 300 of these trips are estimated to occur on Interstate 5 south of Del Mar Heights Road, which has an estimated near-term volume of 240,405 ADT. Caltrans is planning to widen Interstate 5 to provide six additional lanes south of Del Mar Heights Road. The Caltrans project estimates to be completed by 2004.

The Carmel Valley Community Board on December 11, 2001 voted 8:0:1 in support of the redesigned project described in the report to the Planning Commission.

The Planning Commission recommended approval of the project at their December 20, 2001, Planning Commission hearing by a vote of 7-0-0.

City staff recommends certification of the Environmental Impact Report LDR No. 99-0606; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; and approval of the Tentative Map; Carmel Valley Planned District Development Permit, and Resource Protection Ordinance Permit No. 99-0606 and all conditions contained in the draft Tentative Map resolution and draft permit.

FISCAL IMPACT:

No cost to the City. All costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/DNJ

LEGAL DESCRIPTION:

The project site is located two miles east of Interstate 5; east of Dunham Way, north of Del Mar Heights Road, south of Lansdale Drive and west of Winstanley Way in the Carmel Valley Community and is more particularly described as portions of the Northeast Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Base Meridian and Parcel Map No. 11734.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Sycamore Landfill.

Matter of approving, conditionally approving, modifying or denying a request for a Community Plan Amendment/Site Development Permit/Planned Development Permit/Multi-Habitat Planning Area (MHPA) Boundary Adjustment to brush and clear areas of the Sycamore Landfill site for future landfilling within the boundaries of the approved landfill Staged Development Plan; to add a sand and gravel extraction and processing operation; and, to change the hours of landfilling operations. The requested change of hours would allow landfilling operations to begin at 6:00 a.m. rather than at 7:00 a.m. as now occurs. The 520 acre Sycamore Landfill site is located at 8514 Mast Boulevard, in the RS-1-1 Zone, Mission Trails Design District Overlay Zone, of the East Elliott Community Plan Area.

(CPA/SDP/PDP/MHPA-40-0765. East Elliott Community Plan Area.
District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the permits and MHPA Boundary Adjustment; and adopt the resolution in subitem C:

Subitem-A: (R-2002-1231)

Adoption of a Resolution certifying that Mitigated Negative Declaration, LDR-40-0765, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in this report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Sycamore Landfill project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study

and therefore, that the Mitigation Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is on file in the office of the City Clerk and incorporated by reference.

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-)

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit/Multi-Habitat Planning Area (MHPA) Boundary Adjustment No. 40-0765, with appropriate findings to support Council action.

Subitem-C: (R-2002-1232)

Adoption of a Resolution amending the East Elliott Community Plan to become effective upon City Council adoption of the General Plan Amendment;

Adopting an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

OTHER RECOMMENDATIONS:

Planning Commission on February 7, 2002, voted 5-0 to approve; was opposition.

Ayes: Garcia, Anderson, Brown, Lettieri, Schultz

Not present: Stryker

Recusing: Butler

Plans were provided to the East Elliott Community Planning Group, but no response nor recommendation was received. The Group is currently inactive.

SUPPORTING INFORMATION:

This is a request for a Community Plan Amendment and a Site Development Permit/Planned Development Permit/Multi-Habitat Planning Area (MHPA) Boundary Adjustment to brush and clear areas of the Sycamore Landfill site for the future landfilling within the boundaries of the approved landfill Staged Development Plan; to add an aggregate extraction and processing facility; and, to change the hours of operations to allow landfilling to begin at 6:00 A.M. rather than 7:00 A.M. as currently permitted. The landfill site consists of approximately 493 acres in the East Elliott Community Plan area and is located approximately one mile north of Highway 52 and approximately a mile west of the City of Santee. The requested approvals would not expand

the area of the landfill. The proposed Community Plan Amendment would add mining and extractive industries as allowable uses within the designated landfill area and the Planned Development Permit would specifically authorize and condition that use. The brushing and clearing proposed with this project would impact a total of 205 acres of sensitive habitat. An adjustment to the Multi-Habitat Preservation Area (MHPA) boundary is proposed which consists of the deletion of 0.5 acres on the western side of the landfill property and a corresponding addition of 0.5 acres on the landfill's eastern boundary.

TRAFFIC IMPACT:

This project is estimated to generate 108 additional average daily trips (ADT). Fifty-four (54) of these trips are estimated to occur on State Route 52 between Mast Boulevard and I-15, which has an estimated near term plus project volume of 63,054. Caltrans plans to upgrade this segment from 4 lanes to 6 lanes in the fiscal year 2005-2010. Thirty-two (32) of the 108 additional trips are estimated to occur on State Route 52 between Mast Boulevard and State Route 125, which has an estimated near term plus project volume of 36,532. Caltrans plans to upgrade this segment from 4 lanes to 6 lanes in the fiscal years 2011-2020. The project would have no significant impact on the existing roadways.

FISCAL IMPACT: None.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

Sycamore Landfill is located at 8514 Mast Boulevard in the Elliott Community Planning Area of the City of San Diego and is more particularly described as portions of Sections 13 and 14, Township 15 South, Range 2 West, and portions of Sections 7, 18 and 19, Township 15 South, Range 1 West, U.S.G.S. 7.5 Minute La Mesa Quadrangle, San Bernardino Base & Meridian.

ADOPTION AGENDA, HEARINGS
NOTICED HEARINGS:

ITEM-333: Taiwanese Lutheran Temple.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment (CPA), Planned Commercial Development Permit (PCD) and Conditional Use Permit (CUP) to construct a church structure and associated facilities on a 3.78 acre site. The project includes a fellowship hall and twenty senior residential units. The CN zoned site is located on the south side of Azuaga Street, east of Rancho Penasquitos Boulevard.

(PGGP/CPA/PCD/CUP-99-1068. Rancho Penasquitos Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2002-1229)

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration, LDR-99-1068 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Taiwanese Lutheran Church project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-1230)

Adoption of a Resolution approving the proposed amendment to the Progress Guide and General Plan and the Rancho Penasquitos Community Plan.

Subitem-C: (R-2002-)

Adoption of a Resolution granting Planned Commercial Development and Conditional Use Permit CUP-99-1068, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 17, 2002, voted 6 - 0 to approve; no opposition.

Ayes: Butler, Brown, Anderson, Lettieri, Stryker, Garcia
Recusing: Schultz

The Rancho Penasquitos Community Planning Board on October 3, 2001, voted

unanimously to recommend approval of the project by a vote of 10-0-0.

SUPPORTING INFORMATION:

The project is a Community Plan Amendment, Planned Commercial Development Permit and a Conditional Use Permit for a proposed church building and associated improvements, and 20 on-site residential units for senior members of the church on a 3.78-acre, vacant parcel located on the south side of Azuaga Street. The project site is located east of Rancho Penasquitos Boulevard and designated for neighborhood commercial uses within the Rancho Penasquitos Community Plan.

The proposal requires an amendment to the Rancho Penasquitos Community Plan as this plan specifically prohibits residential uses on the project site due to the potential noise impacts from the adjacent SDG&E Substation. The Community Plan also recommends that a Planned Commercial Development Permit is processed for the proposed use. The project requires a Conditional Use Permit (CUP) to allow for the church use in the underlying CN Zone and a height deviation for a tower element (40'-0" where 30'-0" is allowed).

TRAFFIC IMPACT:

The Taiwanese Lutheran Church project is estimated to generate approximately 319 average daily trips (ADT). 60 of these trips are estimated to occur on Interstate 15 south of Poway Road, which has an estimated near-term volume of 262,060 ADT. Caltrans is planning to widen Interstate 15 to provide 2 additional lanes south of Poway Road to be completed by 2004. Also reference the "Project Traffic Information" table.

FISCAL IMPACT:

None with this action. All Development Services Department processing costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/SMT

LEGAL DESCRIPTION:

The site is located on Azuaga Street in the Rancho Penasquitos Community Plan area and is more particularly described as Parcel 2 of Map No. 14640.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-334: Accepting California Coastal Commission Suggested Modifications to Floodplain Regulations Adopted As Part Of The Second Update To The Land Development Code.

(Continued from the meeting of 3/19/2002, Item 330, at the request of

Councilmember Frye, for further review.)

Matter of approving, conditionally approving, modifying or denying the Second Quarterly Update to the Land Development Code.

(See City Manager's Report CMR-02-045. Community Plan Areas-all. Districts-City-Wide.)

NOTE: Hearing open. No testimony taken on March 19, 2002.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2002-82)

Introduction of an Ordinance amending Chapter 6, Article 2, Division 4, of the San Diego Municipal Code by repealing Section 62.0423; Amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; Amending Chapter 12, Article 6, Division 4, by amending Section 126.0402; Division 5, by amending Sections 126.0502 and 126.0504; and Article 9, Division 6, by amending Section 129.0602; Amending Chapter 13, Article 1, Division 2, by amending Section 131.0205; Division 3, by amending Section 131.0322; Amending Chapter 14, Article 2, Division 1, by Amending Section 142.0135; And Division 2, by amending Section 142.0230; Amending Article 3, Division 1, by amending Sections 143.0110, 143.0111, 143.0130, 143.0145, by adding Section 143.0146, and by amending Section 143.0150, all relating to the Land Development Code Floodplain Regulations.

Subitem-B: (R-2002-998)

Adoption of a Resolution accepting California Coastal Commission suggested modifications for certification of Local Coastal Program amendments to the Floodplain Regulations of the Land Development Code.

OTHER RECOMMENDATIONS:

Planning Commission on September 28, 2000, voted 5 - 0 to recommend to the City Council that they approve the amendments to Council Policy 600-14 and the LDC Floodplain Regulations, and approval of the amendments to the Telecommunications Facilities Regulations, (including the addendum read into the record by staff regarding Flood Plain Regulations), and direct staff to clarify when telecommunications facilities are proposed to be located in the public-right-of-way, adjacent to, or within 100 feet of residentially zoned or residential uses (part of a mixed use development), they be permitted with a neighborhood use permit; no opposition.

Ayes: Butler, Anderson, Steele, Brown, Stryker
Not Present: Skorepa, White

CITY MANAGER SUPPORTING INFORMATION:

On January 8, 2001, the City Council adopted Ordinance O-18910 approving amendments to the Land Development Code (LDC) as part of the Second LDC Update. The amendments were then submitted to the California Coastal Commission for certification as part of the City of San Diego's Local Coastal Program.

On March 14, 2001, the California Coastal Commission approved several of the proposed changes as de minimus Local Coastal Program (LCP) Amendments. The remaining amendments that did not qualify as de minimus were approved by the Coastal Commission on May 8, 2001 with the exception of the floodplain regulations. The Coastal Commission staff requested additional information and clarification on the proposed amendments, specifically related to allowable uses within floodways and floodplains and procedures for notifying the Coastal Commission when FEMA adopts map changes.

On August 7, 2001, the Coastal Commission held a hearing to consider the amendments to the floodplain regulations proposed by the City of San Diego as well as suggested modifications to the amendments proposed by Coastal Commission staff. No action was taken at the hearing and the item was granted a time extension. Since the August hearing City staff met with Coastal Commission staff to resolve the outstanding issues pertaining to the allowable uses in floodplains and the notification procedures for map changes made by FEMA.

On October 12, 2001, the Coastal Commission approved the amendments to the LDC floodplain regulations with six modifications made by Coastal Commission staff. Three of the six modifications are minor and are intended to clarify terminology and references. Two of the modifications are intended to further restrict three land uses in agricultural zones within the Coastal Overlay Zone. Residential Care Facilities, Transitional Housing, and Bed and Breakfast Establishments will be prohibited in agricultural zones within Special Flood Hazard Areas. The last modification establishes a process for the City Engineer to notify the Coastal Commission staff of changes to FEMA's Flood Insurance Rate Maps. Attachment 1 [to City Manager's Report] includes a strikeout/underline version of the Coastal Commission's approved changes.

ENVIRONMENTAL IMPACT:

Action on adopting the modifications to the Floodplain Regulations is categorically exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

Ewell/Christiansen/BM

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-335: Two actions related to Central Core Amendments to Establish Minimum Floor Area Ratios and Building Heights.

(See CCDC Report dated 2/1/2002. Centre City Redevelopment Project Area.

District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2002-1326)

Approving the Central Core Amendment to the Centre City Community Plan relating to Floor Area Ratios and Heights.

Subitem-B: (O-2002-121)

Introduction of an Ordinance amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code (The Centre City Planned District Ordinance) relating to Floor Area Ratios and Height Limits.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-336: Findings - Installation/Rehabilitation of Streetlights on Broadway.

(See CCDC Report dated 3/12/2002. Centre City and Horton Plaza Redevelopment Project Areas. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1233)

Declaring that Council finds and determines that the installation/rehabilitation of the public streetlight improvements on Broadway from 12th Avenue to Pacific Highway are of benefit to the Centre City and Horton Plaza Redevelopment Projects;

Declaring that Council finds and determines that the proposed improvements will assist in eliminating one or more blighting conditions inside the Project areas and that no other reasonable means of financing the proposed public improvements are available to the community;

Declaring that Council finds and determines that the Redevelopment Agency's funding of the installation/rehabilitation of the Streetlight Improvements in the Project areas is consistent with the Five-Year Implementation Plan adopted for the Project Areas.

NOTE: See the Redevelopment Agency Agenda of 4/9/2002 for a companion item.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-337: North Embarcadero Project Management and Design Funding.

(See CCDC Report dated 3/14/2002. Centre City Redevelopment Project Area.
District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1314)

Authorizing the Centre City Development Corporation to expend \$615,000 for project management and architecture and engineering services for the schematic design portion of the North Embarcadero Alliance Visionary Plan.

Aud. Cert. 2200956.

NOTE: See the Redevelopment Agency Agenda of 4/9/2002 for a companion item.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-338: Vietnam Veterans of San Diego - Acquisition Funding.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1334)

Approving the appropriation and expenditure of \$208,500 from the Horton Plaza Redevelopment Low and Moderate Income Housing Funds, to be used in conjunction with other previously-approved funds, to complete the acquisition of property in located at 4141 Pacific Highway in settlement of the condemnation action related to the Vietnam Veterans/Homeless Center Project.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution R-293491, adopted July 18, 2000, Council authorized the expenditure of \$1,000,000 of Horton Plaza Redevelopment Low and Moderate Income Housing Funds, and by Resolution R-293662, adopted August 8, 2000, Council authorized the expenditure of \$993,000 of HUD, Section 108 Loan Funds, for the acquisition of property located at 4141 Pacific Highway, related to the Vietnam Veterans/Homeless Center Project. Likewise, on August 8, 2000, Council adopted Resolution R-293661, authorizing an eminent domain action to be filed for the property acquisition, and a condemnation action was filed.

Subsequent to these original authorizations, the appraised fair market value required to be paid for the property has increased, and additional expenses have been incurred. Therefore, additional funding is needed to complete the acquisition of the property. As a companion item to this action, the Redevelopment Agency is being requested to authorize the expenditure of \$208,500 in Horton Plaza Redevelopment Low and Moderate Income Housing Funds, and authorize the transfer of said funds to the City of San Diego; with these authorizations in place, the City Council is asked to authorize the expenditure of the funds to complete the purchase of the subject property in settlement of the condemnation action.

FISCAL IMPACT:

Funds in the amount of \$208,500 are available in Horton Plaza Redevelopment Low and Moderate Income Housing Fund.

Herring/Griffith/SLG

NOTE: See the Redevelopment Agency Agenda of 4/9/2002 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:

ITEM-339: 2002 Salary Setting Commission's Recommendation.

(See letter from the Salary Setting Commission dated 1/31/2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1042 Cor. Copy 3/29/02)

Adopting the determination and recommendations of the Salary Setting Commission, as contained in its letter of recommendation to the Mayor and Council, dated January 31, 2002;

Directing the City Attorney to incorporate the Commission's recommendations in

the annual salary ordinance, pursuant to Section 41.1 of the City Charter;

Directing the City Clerk to remove this item from the docket of May 7, 2002.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-350: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Torrey Hills Unit No. 15

COMMUNITY AREA

Sorrento Hills Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-351: Settlement of the Unforeseeable Conditions Claim of APC-T&K Joint Venture.

(R-2002-1253)

Adopted as Resolution R-296214.

A Resolution approved by the City Council in Closed Session on Tuesday, March 19, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Auditor and Comptroller to transfer \$766,988 within Fund No. 41509, from CIP-42-915.0, NCWRP Permanent Demineralization Facility - Phase I, to CIP-42-911.4, Metro Biosolids Center;

Authorizing the City Manager to pay the total sum of \$766,988 from Fund

No. 41509, CIP-42-911.4, Metro Biosolids Center, in the settlement of each and every claim against the City, its agents and employees, resulting from unforeseeable conditions encountered by the Contractor (Superior Court Case No. 741059, APC-T&K Joint Venture v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$766,988, made payable to APC-T&K Joint Venture Constructors in full settlement of the lawsuit and all claims.

Aud. Cert. 2200907.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT